

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID GONZALEZ,

Plaintiff,

-against-

NUEVO THREE WAY INC., 3 WAY
RESTAURANT INC., MIGUELINA Y. LUNA *a/k/a*
MIGUELINA BELLO and GENESIS BELLO;

Defendants.

24-cv-4751 (VEC)

DEFAULT JUDGMENT

VALERIE CAPRONI, United States District Judge:

WHEREAS A summons and copy of the Complaint was properly served on Defendant Miguelina Y. Luna, *a/k/a* Miguelina Bello, on September 5, 2024 (Dkt. 14);

WHEREAS a summons and copy of the Complaint was properly served on Defendant Genesis Bello on September 3, 2024 (Dkt. 15);

WHEREAS a summons and copy of the Complaint was properly served on Defendant Nuevo Three Way Inc. on September 3, 2024 (Dkt. 17);

WHEREAS a summons and copy of the Complaint was properly served on Defendant 3 Way Restaurant Inc. on September 3, 2024 (Dkt. 16);

WHEREAS Defendants Miguelina Y. Luna, *a/k/a* Miguelina Bello, Genesis Bello, Nuevo Three Way Inc., and 3 Way Restaurant Inc. have failed to appear, respond to the Complaint, or otherwise defend this action;

WHEREAS on November 22, 2024, Plaintiff sought default judgment as to all Defendants (Dkts. 36–39);

WHEREAS on January 24, 2025, the Court ordered that, prior to the entry of default judgment, Plaintiff must file a letter (1) voluntarily withdrawing the Sixth and Seventh Causes of

Action or showing cause why the Sixth and Seventh Causes of Action should not be dismissed for lack of standing; (2) providing a revised damages calculation and an explanation of why the amount sought in the original Damages Chart (Dkt. 37-5) differs from the amount sought in the Proposed Default Judgment (Dkt. 38); (3) clarifying Plaintiff's primary language and filing an affidavit from the person who prepared the translation of his Declaration (Dkt. 37-1) attesting that such translation is true and accurate; and

WHEREAS on February 7, 2025, Plaintiff filed a letter: (1) that does not contest that he lacks standing to bring the Sixth and Seventh Causes of Action (Dkt. 44, ¶ 1); (2) explaining the proposed damages calculation (Dkt. 44, ¶¶ 2–3) and attaching a revised Damages Chart that omits damages associated with the Sixth and Seventh Causes of Action (Dkt. 44-1); and (3) clarifying that Spanish is Plaintiff's primary language (Dkt. 44, ¶ 4) and attaching a Certificate of Translation indicating that the English translation of Plaintiff's declaration is fair and accurate (Dkt. 44-2 at 9).

IT IS HEREBY ORDERED that counts Six and Seven of the Complaint are dismissed without prejudice for lack of jurisdiction;

IT IS FURTHER ORDERED that Plaintiff David Gonzalez has judgment jointly and severally against each of the Defendants, in the total amount of **\$29,667.50**; such amount includes attorneys' fees and costs awarded by the Court as well as all other damages attributed to Plaintiff.

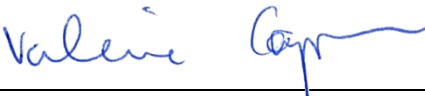
IT IS FURTHER ORDERED that the Plaintiff is awarded post judgment interest, as calculated under 28 U.S.C. § 1961.

IT IS FURTHER ORDERED that if any amounts remain unpaid upon the expiration of ninety days following issuance of judgment, or ninety days after expiration of the time to appeal

and no appeal is then pending, whichever is later, the total amount of judgment per each Plaintiff shall automatically increase by fifteen percent, as required by NYLL § 198(4).

SO ORDERED.

Date: February 10, 2025
New York, New York



VALERIE CAPRONI
United States District Judge